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EXAMINER	
AHMED, MOHAMED MAHMOUD	
ART UNIT	**PAPER NUMBER**
3736	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,562	UENO ET AL.	
	Examiner	Art Unit	
	Mohamed Ahmed	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03-25-2004*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "behavior relational" in claims 1, 2, 9, 18, 19, and 20 is a relative term, which renders the claims indefinite. The term " behavior relational " is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term lacks appropriate descriptions in the specification and is therefore undeterminable.

The term "behavior rule" in claims 1, 8, 10, 11, 13, 19, and 20 is indefinite. The examiner cannot understand the metes and bounds of the term therefore the term is indefinite. As such, the term fails to particularly point out and distinctively claim the subject matter, which the applicant regards as his invention.

The term "feeling database" in claims 2, 4, 7, and 14 is indefinite. The examiner cannot understand the metes and bounds of the term therefore the term is indefinite. As such, the term fails to particularly point out and distinctively claim the subject matter, which the applicant regards as his invention.

The term "condition-result" in claim 8 line 5 is indefinite. The examiner cannot understand the metes and bounds of the term therefore the term is indefinite. As such, the term fails to particularly point out and distinctively claim the subject matter, which the applicant regards as his invention.

The term "seat data" in claim 9 line 5 is a indefinite. The examiner cannot understand the metes and bounds of the term therefore the term is indefinite. As such, the term fails to particularly point out and distinctively claim the subject matter, which the applicant regards as his invention.

The term "constraint condition rule" claims 13, and 17 are indefinite. The examiner cannot understand the metes and bounds of the term therefore the term is indefinite. As such, the term fails to particularly point out and distinctively claim the subject matter, which the applicant regards as his invention.

NOTE TO APPLICANT:

The application and/or the claims appear to be a direct translation from a foreign document. Due to the direct translation, the claims are so indefinite that it is virtually impossible for the examiner to determine what exactly the applicant is intending to claim. The following action is therefore of necessity based on the examiner's best guess of what applicant is trying to claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because a claim to software, program, instructions, code, data structure, or a signal that does not recite a tangible computer readable medium. See MPEP 2106 IV B I (a).

The examiner suggests the applicant amend the preamble of the claim to state, "a computer readable program code on a tangible computer readable medium."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mault et. al. USPN 6,513,532. (hereinafter Mault), which includes Mault USPN 6,478,736 (hereinafter Mault 736).

1. An apparatus for supporting a user's behavior, comprising:

an integrated behavior database generation unit (computer processor and/or software col. 4 ln. 46-51) configured to generate an integrated behavior database (col. 8 ln. 6-7) correspondingly storing a biomedical information and a behavior relational information (Mault 736 col. 6 ln. 39-45) of the user (memory (42) for storage of data col. 8 ln. 6-7) , the biomedical information being detected by a sensor associated with the user's body (col. 3 ln. 46-53);

a behavior rule generation unit configured to generate a behavior rule of the user by referring to the integrated behavior database (device software col. 4 ln. 61-64; It is the examiner's position that the references, Mault et al. and Mault 736, use of a feedback system meet these limitations);

a message generation unit (Mault 736 col. 6 ln. 34-37) configured to generate a message to urge the user to do an exercise by referring to the behavior rule (device software col. 4 ln. 43-45, 61-64);

and a message notice unit configured to notify the user of the message (display (56) col. 8 ln. 5-6).

2. The apparatus according to claim 1,

wherein the behavior relational information (Mault 736 col.6 ln. 34-37) comprises a behavior database (computer processor and/or software, col.7 ln 56-58), a feeling database (Mault 736, col. 8 ln. 30-50), and a behavior schedule database (fig. 5, time of recorded activity, col.4 ln. 28-35, 58-60).

3. The apparatus according to claim 2,

wherein the behavior database correspondingly includes a date, a start time, an end time, a start point, an end point, a user name, a behavior label, and a route (fig. 5 and 7).

4. The apparatus according to claim 3,

wherein the feeling database correspondingly includes a date (col.5 ln 39-43), a start time (col. 5 ln. 39-43), an end time (col. 5 ln. 39-43), a user name, a feeling, and a feeling description (fig. 5). (Mault 736 col. 8 ln. 30-50)

5. The apparatus according to claim 4,

wherein the behavior schedule database (fig. 5, time of recorded activity, col. 4 ln. 28-35, 58-60) correspondingly includes a date (col. 5 ln. 39-43), a start time (col. 4 ln. 65-67), an end time (col. 4 ln. 65-67), a start point, an end point, a user name, a behavior label (col. 4 ln. 14-23), and a route schedule (fig. 5, col. 8 ln. 60-61).

6. The apparatus according to claim 5,

wherein the biomedical information comprises a sensor database (memory (42) for storage of data, col. 8 ln. 6-7), and

wherein the sensor database (Mault 736, col. 12 ln. 22-27) correspondingly includes a date, a start time, an end time, a measurement value of the sensor at the start time, and a measurement value of the sensor at the end time (86) (col. 7 ln. 14-16).

7. The apparatus according to claim 6,

wherein said integrated behavior data generation unit (computer processor and/software, col. 4 ln. 46-51) merges information of the behavior data set, the feeling data set (Mault 736, col. 8 ln. 30-50) and the behavior schedule data set (fig.5) for the same user, the same date, the same start time and the same end time, and generates the merged information as the integrated behavior database (col. 9 ln. 27-29, col. 14 ln. 8-13).

8. The apparatus according to claim 1,

wherein said behavior rule generation unit (computer processor and/software, col. 4 ln. 46-51) extracts a tendency of the user's behavior from information of the integrated behavior database (col. 8 ln. 6-7), modifies the extracted information as a condition-result rule (col. 14 ln. 8-13), and generates the condition-result rule (col. 14 ln. 8-13) as a behavior rule database. (col. 9 ln. 27-29, col. 14 ln. 8-13)

9. The apparatus according to claim 1,

further comprising a relational database (col. 9 ln. 27-29, col. 14 ln. 8-13) configured to store a conception dictionary data set, a behavior label set (col. 4 ln. 18-23), a calendar weather data set (Mault 736, col. 8 ln. 30-50), a route data set, a seat data set, a map data set, and a map relational data set, and (col. 9 ln. 30-56)

wherein said integrated behavior data generation unit adds information to the integrated behavior database (col. 9 ln. 27-29, col. 14 ln. 8-13) by referring to each set of the relational database.

10. The apparatus according to claim 8,

further comprising a behavior schedule reorganization unit (fig.5, computer processor and/or software col. 7 ln. 56-58) configured to reorganize information of the behavior schedule (fig.5) database by referring to the behavior rule database, and (col. 9 ln. 27-29)

wherein said message generation unit (Mault 736, col. 6 ln. 34-37) generates the message as an advice (feedback, Mault 736, col. 11 ln. 15-18) to urge the user to do the exercise by referring to the reorganized information of the behavior schedule database. (fig. 5, col. 4 ln. 43-45)

11. The apparatus according to claim 10,

further comprising a behavior advice (feedback, Mault, 736 col. 11 ln. 15-18) database configured to store the message in correspondence with the behavior rule. (Memory (42) for storage of data, col. 8 ln. 6-7)

12. The apparatus according to claim 1, further comprising,

an advice evaluation input unit configured to input an evaluation for the message from the user (col. 11 ln. 27-33, Mualt 73,6 col. 11 ln. 45-57), and

an advice evaluation database configured to store the evaluation in correspondence with the message. (col. 11 ln. 29-46)

13. The apparatus according to claim 12,

further comprising a constraint condition rule database configured to correspondingly store the behavior rule and the evaluation (col. 11 ln. 27-33), and

wherein said message generation unit (Mault 736, col. 6 ln. 34-37) generates a message by referring to the constraint condition rule database. (col. 14 ln. 8-13, col. 8 ln. 6-7)

14. The apparatus according to claim 5,

further comprising a data interface unit (CPU col. 4 ln. 46-51) configured to input the feeling, the feeling description, and the behavior schedule data (fig. 5) from the user. (col. 7 ln. 64-66)

15. The apparatus according to claim 14,

wherein said data interface unit (CPU col. 4 ln. 46-51) interactively inputs a status data of the user's moving by the user's indication, and records the status data as the user's behavior in time series. (col. 8 ln. 47-65)

16. The apparatus according to claim 15,

wherein said data interface unit (CPU col. 4 ln. 46-51) outputs a behavior graph of the user by using the recorded status data in time series. (fig. 5) (col. 9 ln. 30-33)

17. The apparatus according to claim 13,

further comprising a database share unit configured to share information of the integrated behavior database (memory (42) for storage of data, col. 8 ln. 6-7) and the constraint condition database (memory (42) for storage of data, col. 8 ln. 6-7) among a plurality of users. (col. 5 ln. 44-49) (Mault 736, col. 10 ln. 31-36)

18. The apparatus according to claim 6,

further comprising a location detection unit configured to detect the user's location information, (col. 8 ln. 47-54) and

wherein the integrated behavior database (memory (42) for storage of data col. 8 ln. 6-7) correspondingly stores the biomedical information, the behavior relational information (Mault 736, col. 6 ln. 39-45) and the location information. (col. 8 ln. 47-65)

(fig.5)

19. A method for supporting a user's behavior, comprising:

generating an integrated behavior database (memory (42) for storage of data, col. 8 ln. 6-7) correspondingly storing a biomedical information and a behavior relational information of the user (Mault 736, col. 6 ln. 39-45) (col. 3 ln. 46-53), the biomedical information being detected by a sensor associated with the user's body (col. 3 ln. 46-53);

generating a behavior rule of the user by referring to the integrated behavior database (col. 10 ln. 62-66);

generating a message to urge the user to do an exercise by referring to the behavior rule; and notifying the user of the message (Mault 736 col. 11 ln. 15-17)

20. A computer program product, comprising:

a computer readable program code embodied in said product for causing a computer to support a user's behavior (computer processor and/or software, col. 7 ln. 56-58), said computer readable program code comprising:

a first program code to generate an integrated behavior database correspondingly storing a biomedical information and a behavior relational information of the user (Mault 736, col. 6 ln. 39-45) (memory (42) for storage of data, col. 8 ln. 6-7), the biomedical information being detected by a sensor associated with the user's body (col. 3 ln. 46-53);

a second program code to generate a behavior rule of the user by referring to the integrated behavior database (col. 9 ln. 62-66);

a third program code to generate a message to urge the user to do an exercise by referring to the behavior rule (Mault 736 col. 11 ln. 15-17)

(Col. 4 ln. 43-45).; and

a fourth program code to notify the user of the message (Mault 736, col. 11 ln. 15-17) (display, (56) col. 8 ln. 5-6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ahmed whose telephone number is 571-272-1537. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed Ahmed
Examiner
Art Unit 3736

Michael Astorino
October 10, 2006